

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JEFFERY T. ALBANEZE, MATTHEW B.  
COCHRAN AND KAITLYN P. WEATHERLY,

Plaintiffs

-v-

BDO USA, P.C.,

Defendant.

23-CV-07197 (JAV) (OTW)

ORDER

BDO USA, P.C.,

Third-Party Plaintiff

-v-

DAVID ALBANEZE and ATLANTIC EDGE  
WEALTH MANAGEMENT,

Third-Party Defendants.

JEANNETTE A. VARGAS, United States District Judge:

On May 30, 2025, Third-Party Defendant, Atlantic Edge Wealth Management filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. ECF Nos. 129 – 130. On May 30, 2025, Third-Party Defendant, David Albaneze filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. ECF Nos. 131 – 133.

Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that, pursuant to Rule 5.I of this Court’s Individual Rules and Practices in Civil Cases, by **June 16, 2025**, the non-moving party must notify the Court whether it intends to file an amended pleading or rely on the pleading being attacked.

If Plaintiff elects to amend the complaint, Plaintiff shall file any amended complaint by **June 20, 2025**. Pursuant to Local Civil Rule 15.1, available at <https://www.nysd.uscourts.gov/rules>, any amended complaint should be filed with a redline showing all differences between the original and revised filings. Plaintiff is on notice that there will

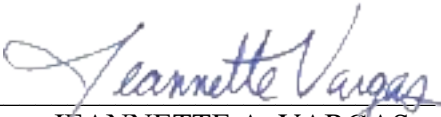
likely not be any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss or indicates that it relies on its previously filed motion to dismiss, any opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If Plaintiff elects not to amend the pleadings, Plaintiff shall file any opposition to the motion to dismiss by **June 20, 2025**. Defendant's reply, if any, shall be filed by **July 8, 2025**.

SO ORDERED.

Dated: June 11, 2025  
New York, New York

  
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JEANNETTE A. VARGAS  
United States District Judge